

AGENCY OF NATURAL RESOURCES

Waterbury, Vermont

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

Subchapter V. Review of New Air Contaminant Sources

Section 5-501 Review of Construction or Modification of Air Contaminant Sources

- (1) No person shall cause, suffer, allow or permit the new construction, installation or modification of any air contaminant source designated under Section 5-401 herein, unless he first provides written notice thereof to the Secretary and the Secretary issues an order approving said construction, installation or modification as provided herein.
- (2) Within 15 days of his receipt of such notice, the Secretary may require the submission of such plans, specifications, analyses and other information as he deems necessary in order to determine whether the proposed construction, installation or modification will comply with these regulations.
- (3) If allowable emission increases from any source subject to this section will impact on any Class I area or on any area where an applicable prevention of significant deterioration increment is being violated (Table 2), such source shall be subject to review as a major stationary source under these regulations.
- (4) For the purposes of review of major stationary sources, major modifications, indirect sources subject to review pursuant to Section 5-503 herein, or other sources in the discretion of the Secretary, "other information" required pursuant to this section shall include comments (if any), on the visibility impact of the source, from any Federal Land Manager received within 30 days after his notification, and public comments submitted according to the following procedures:
 - (a) Within 30 days after the receipt of complete plans, specifications, analyses, or similar information from the air contaminant source, the Secretary shall make available for public inspection in at least one location in the locality affected, the information hereinabove and the Agency's analysis, including the disposition of any analyses submitted by any Federal Land Manager, of the effect of the construction or modification on the ambient air quality, including his proposed

approval or disapproval.

- (b) The Secretary shall provide timely notice by advertisement in a local newspaper(s) of the location of the information and analysis above and of the opportunity for public hearing specified below.
 - (c) For a period of at least 30 days after the information and analysis have been made available for public inspection, the Secretary shall accept public comments, orally or in writing, from all interested persons on the proposed construction or modification, and shall also provide opportunity for public hearing thereon, if requested in writing at least 5 days prior to the close of the public comment period.
 - (d) Within 10 days of the close of the public comment period, including the public hearing, if any, and after full consideration of all comments and information submitted, the Secretary shall issue an order as required in Subsection (3) above.
- (5) If allowable emission increases of any air contaminant from a source subject to this section will cause or contribute to a violation of any ambient air quality standard or cause or contribute to a violation of any applicable prevention of significant deterioration increment (Table 2), or will impact on any Class I area, such source shall achieve MSER with respect to any such contaminant and will be treated as a major stationary source or a major modification for the purposes of its review under these regulations. With regard to a modification of a source, the allowable emission increases mean the difference between the source's actual emissions before the modification and its allowable emissions after the modification.
- (6) If allowable emission increases from a source subject to this section will cause or significantly contribute to a violation of any applicable ambient air quality standard, or will violate any applicable prevention of significant deterioration increment (Table 2), the Secretary may issue an order prohibiting the construction or modification of said source.